

O 260049Z SEP 09
FM SECSTATE WASHDC
TO AMEMBASSY ABUJA IMMEDIATE
AMEMBASSY ACCRA IMMEDIATE
AMEMBASSY AMMAN IMMEDIATE
AMEMBASSY ANTANANARIVO IMMEDIATE
AMEMBASSY DAKAR IMMEDIATE
AMEMBASSY DJIBOUTI IMMEDIATE
AMEMBASSY JAKARTA IMMEDIATE
AMEMBASSY LIBREVILLE IMMEDIATE
AMEMBASSY LUANDA IMMEDIATE
AMEMBASSY LUSAKA IMMEDIATE
AMEMBASSY MANILA IMMEDIATE
AMEMBASSY NEW DELHI IMMEDIATE
AMEMBASSY OUAGADOUGOU IMMEDIATE
AMEMBASSY PORT LOUIS IMMEDIATE
AMEMBASSY PRETORIA IMMEDIATE
AMEMBASSY TOKYO IMMEDIATE
AMEMBASSY YAOUNDE IMMEDIATE
INFO USMISSION USUN NEW YORK IMMEDIATE
USMISSION GENEVA IMMEDIATE

UNCLAS STATE 100316

E.O. 12958: N/A

TAGS: [AORC](#) [SIPDIS](#) [PHUM](#) [HRC](#) [KWMN](#) [SOCI](#) [UN](#)

SUBJECT: HUMAN RIGHTS COUNCIL, SEPTEMBER 2009 SESSION:
DEMARCHES REQUESTED FOR THE DRAFT RESOLUTION ON
"ELIMINATION OF DISCRIMINATION AGAINST WOMEN."

11. Background.

A draft resolution on "Elimination of Discrimination Against Women," introduced by Colombia and Mexico, is being discussed at the September 2009 session of the Human Rights Council (HRC). The latest draft of the resolution, dated September 24, calls for appointment of an Independent Expert. OP 12 of the draft resolution reads: "Decides to appoint, for a period of three years, an Independent Expert on equality before the law, based on international obligations and commitments by States, whose tasks will be:". The U.S. supports in principle the appointment of an Independent Expert to examine discrimination against women, but other HRC member states have expressed strong opposition or concerns about that proposed action.

Two preambular paragraphs contain language that "recall" the outcome documents from two UN conferences on racism, held in Durban in September 2001 and April 2009. The U.S. does not support the contents of those documents.

In addition, the draft resolution will have financial implications. The U.S. prefers that the Independent Expert be funded from existing OHCHR resources or alternatively that it be accommodated within the new composite gender entity that is under discussion in the UNGA.

Negotiations continue in Geneva on the resolution. Department asks that embassies demarche selected capitals about supporting the draft resolution's mandate for an Independent Expert, drawing from the talking points below.

12. South Africa.

South African can be influential in building support for the Independent Expert mandate among African member states of the HRC, but the U.S. also requires South Africa's assistance in generating support for the HRC draft resolution on Freedom of Expression (FOE), introduced by the U.S. and Egypt. While we want to encourage South African support for an Independent Expert in the discrimination against women text, we do not want to press them on this issue so much that they refuse to help us on the FOE effort.

Talking Points.

Request support for establishment of an Independent Expert.

-- The purpose of the Independent Expert is not to expose or shame countries. Rather, the Independent Expert would work with governments, UN bodies, national human rights institutions, and NGOs to identify, promote, and exchange views on best practices for eliminating legislation and practices that discriminate against women.

-- Currently, there is no mechanism whose exclusive focus is equality of women under the law. No other mechanism systematically examines best practices of laws that open up equal opportunities for women. Because South Africa has been so forward-leaning on equal opportunity for women, we think South Africa's support for this would be quite valuable.

-- The new mechanism would complement, not duplicate, the work of other UN entities. The Committee to the Convention on the Elimination of Discrimination Against Women (CEDAW Committee) only views States Parties to CEDAW. Other mechanisms, such as the Special Rapporteur on Violence Against Women, are more narrow in focus. By documenting best practices, the Independent Expert could pull together a compendium of best practices and mechanisms that prevent discrimination. This product would be useful for the CEDAW Committee, UN Commission on the Status of Women (CSW), as well as for the Universal Periodic Review (UPR) process within the Human Rights Council itself.

Clarify the USG's position on the venue for this resolution.

-- Contrary to what the South African delegate attending the HRC informal sessions on the resolution had thought, the U.S. does not in the first instance support deferring action on this resolution to the 2010 session of the CSW. We would strongly prefer that the resolution be tabled at the HRC, since gender discrimination is an important human rights issue and the HRC can give the issue valuable visibility.

Provide vocal support for establishment of an Independent Expert.

-- It would be useful if South Africa could provide vocal support for establishment of an Independent Expert in future informal sessions. South Africa's voice carries a lot of weight.

Work with other states, particularly other states in the region, who may be helpful.

-- Given South Africa's leadership internationally and in the region, we think it would be particularly useful if South Africa could reach out to other states, particularly other African states. These would include, but not necessarily be limited to: Angola, Burkina Faso, Gabon, Ghana, Madagascar, Zambia, Mauritius, Djibouti, Cameroon, Senegal, and Nigeria. Mauritius already seems supportive of an independent expert, and we welcome that support. We think Nigeria, Ghana, and Senegal may be particularly approachable on this as well, and also welcome your advice on who else to approach.

13. For Nigeria.

Draw from the above talking points in para. 2. Thank Nigeria for its support of the resolution's Independent Expert mandate, which Nigerian officials have expressed in private to Ambassador Nancy Rubin, the head of the USDEL to the HRC session. Nigeria has not appeared at negotiating sessions to express formal support. Encourage them to ask other African members of the HRC to be supportive.

14. For Ghana, Senegal, and Mauritius.

Draw from the above talking points in para. 2. Thank them for their support of the resolution's Independent Expert

mandate. Encourage them to ask other African members of the HRC to be supportive.

15. For the Philippines and Jordan.

Draw from the above talking points in para. 2. Thank them for speaking up at the negotiating sessions to offer qualified support of the Independent Expert mandate. Encourage them to ask other Asian and Middle Eastern members of the HRC to be supportive.

16. For India.

Draw from the above talking points in para. 2. It is unclear whether India supports the Independent Expert mandate. In negotiation sessions, they have only spoken out on minor technical points. Encourage them to support the resolution, voice their support in negotiations, and ask other Asian countries to support the resolution.

17. For Japan.

Draw from the above talking points in para. 2. Japan is supportive of the Independent Expert mandate, but like the UK has budgetary concerns. Inform Japan that the U.S. also has budgetary concerns. Encourage Japan in future negotiating sessions to be more vocal about their concerns in future negotiating sessions, and also to encourage Asian members of the HRC to be supportive of these views.

18. For Indonesia.

Draw from the above talking points in para. 2. Encourage them to support the Independent Expert mandate, voice that support in negotiations, and ask other Asian countries for their support.

19. For Angola, Burkina Faso, Gabon, Madagascar, Zambia, Djibouti, and Cameroon.

Draw from the above talking points in para. 2. Encourage them to ask other African members of the HRC to support an Independent Expert mandate.

CLINTON